

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**RSA No.1618 of 2019(O&M)
Date of Decision: 28.03.2019**

M/s Bharat Surgicals Industries Appellant

Versus

State of Haryana and others Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present:Mr. M.K. Garg, Advocate
for the appellants.

RAJ MOHAN SINGH, J.(Oral)

[1]. Trial Court decreed the suit of the plaintiff/appellant vide judgment and decree dated 24.10.2016. Plaintiff was held entitled to recover vacant possession of the encroached land to the extent of 2 kanals 17 marlas comprised in rectangle No.17 situated in the revenue estate of village Kishanpura, District Jind. Plaintiff was further held entitled for declaration to raise boundary wall around the said land and also held entitled for mesne profits @ Rs.500/- per kanal per year jointly and severally recoverable from the defendants on account of their illegal possession w.e.f 27.05.2011 till delivery of possession in

favour of the plaintiff/appellant.

[2]. Judgment and decree passed by the trial Court was partly modified by the Lower Appellate Court in the appeal filed by the defendants. Defendants were directed to acquire the land of 2 kanals 17 marlas and to pay compensation to the plaintiff at the prevailing market rate on the date of issuance of notification along with all other benefits as per Land Acquisition Act.

[3]. RSA No.1417 of 2019 filed by the defendants has already been dismissed by this Court on 27.03.2019. The only grievance of the appellant is that compensation be assessed as per rate prevailing at the time of issuance of notification. This very relief has already been granted to the plaintiff in concluding para No.28 of the impugned judgment and decree passed by the Additional District Judge, Jind.

[4]. Faced with this situation, learned counsel for the appellant wishes to withdraw the present appeal.

[5]. Dismissed as withdrawn.

28.03.2019

Prince

**(RAJ MOHAN SINGH)
JUDGE**

**Whether reasoned/speaking
Whether reportable**

**Yes/No
Yes/No**